

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY

Pursuant to 28 U.S.C. § 636(b) and Rule 72(b) of the Federal Rules of Civil Procedure, a party may serve and file specific, written objections to the proposed findings and recommendations of the magistrate judge within 14 days after being served with a copy of the Report and Recommendation, and thereby secure a *de novo* review by the district court. A party's failure to

timely file written objections to the proposed findings, conclusions, and recommendation in a Report and Recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*).

The parties in this cause were properly notified of the consequences of a failure to file objections. Objections to the Report and Recommendation were due December 20, 2022. As of the date of this order, no party has filed objections to the findings of fact and conclusions of law in the report and recommendation. The court, having reviewed the entire record and finding no plain error, accepts and adopts the Report and Recommendation of the magistrate judge for substantially the reasons stated therein.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge, filed December 6, 2022 (Doc. #41), is **APPROVED** and **ACCEPTED** as set forth herein.

IT IS FURTHER ORDERED that Defendants' Motion for Attorney's Fees, filed June 24, 2022 (Doc. #37), is **GRANTED**. Defendants shall recover their attorney's fees from Plaintiff in the amount of \$73,892.00.

SIGNED this 21st day of December, 2022.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE